

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. EDCV 22-1036-MWF(SPx) Date: March 09, 2023

Title Fernando Gastelum v. Calimesa Motel Management, Inc.

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Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

<u>Rita Sanchez</u>	<u>Not Reported</u>
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiffs:  
Not Present

Attorneys Present for Defendants:  
Not Present

**Proceedings: (IN CHAMBERS) FINAL ORDER TO SHOW CAUSE**

A review of the docket in this action reflects that the Complaint was filed on June 24, 2022. (Docket No. 1). On September 9, 2022, the Court granted Plaintiff an extension of time to serve Defendant with the Summons and Complaint, to September 22, 2022. (Docket No. 12). On December 7, 2022, the Court subsequently granted Plaintiff's request for alternate service. (Docket No. 14). On February 16, 2023, the Court filed an Order to Show Cause (the "OSC") re dismissal for lack of prosecution. (Docket No. 15).

On March 7, 2023, Plaintiff filed a Response to Order to Show Cause (the "OSC Response"). (Docket No. 16). Plaintiff states that he mailed the Summons and Complaint to Defendant's agent for service of process, Dilip M. Amin, on December 16, 2022. The photo of the envelope to Dilip Amin appears to reflect that the certified mail was "refused." Plaintiff also states that he "inquired [about] the costs associated with the publication and was advised by a local Calimesa paper that the costs would be between \$3,500 and \$4,000." The Court does not believe that is an accurate quote for the publication of a legal notice, even in a newspaper such as the *Los Angeles Times*.

The Court filed a Self-Representation Order on June 28, 2022. (Docket No. 8). In the OSC, the Court directed Plaintiff to seek assistance from the Court's Pro Se Clinic. The Court will grant Plaintiff one final extension of time to properly

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serve Defendant and file a Proof of Service of the Summons and Complaint. Plaintiff must **show cause** why this action should not be dismissed for lack of prosecution no later than **APRIL 10, 2023**.

- BY PLAINTIFF: PROOF OF SERVICE of the Summons, Complaint, and ADA Disability Access Litigation/Application for Stay and Early Mediation Packet on Defendant.
- BY DEFENDANT: RESPONSE TO THE COMPLAINT (“Response”) or APPLICATION FOR STAY AND EARLY MEDIATION (“ADA Application”) by Defendant.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause by **April 10, 2023** will result in the dismissal of this action. **No further extensions will be granted.**

IT IS SO ORDERED.

Although Plaintiff is proceeding pro se, *i.e.*, without legal representation, Plaintiff nonetheless is required to comply with Court orders, the Local Rules, and the Federal Rules of Civil Procedure. *See* C.D. Cal. L.R. 83-2.2.3. The Local Rules are available on the Court’s website, <http://www.cacd.uscourts.gov/court-procedures/local-rules>.

The Court cannot provide advice to any party, including pro se litigants, *i.e.*, parties who are not represented by a lawyer. There is a free “Pro Se Clinic” that can provide information and assistance about many aspects of civil litigation in this Court. The Court has information of importance to pro se litigants at the “People Without Lawyers” link, <http://prose.cacd.uscourts.gov/>.

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The Court notes that a party to this lawsuit does not have a lawyer. Parties in court without a lawyer are called “*pro se* litigants.” These parties often face special challenges in federal court. Public Counsel runs a free Federal *Pro Se* Clinic where *pro se* litigants can get information and guidance. The Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, CA 90012 (note that the clinic may not be open for in-person appointments during the pandemic). *Pro se* litigants must call or submit an on-line application to request services as follows: on-line applications can be submitted at <http://prose.cacd.uscourts.gov/los-angeles>, or call (213) 385-2977, ext. 270.

 Orange County

The Court notes that a party to this lawsuit does not have a lawyer. Parties in court without a lawyer are called “*pro se* litigants.” These parties often face special challenges in federal court. The Public Law Center runs a free Federal *Pro Se* Clinic at the Santa Ana federal courthouse where *pro se* litigants can get information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x 222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Santa Ana, California (note that the clinic is being operated in a hybrid model at the moment). More information may be found by visiting the *Pro Se* Clinic Home Page found at <http://prose.cacd.uscourts.gov/santa-ana>.

 Riverside

The Court notes that a party to this lawsuit does not have a lawyer. Parties in court without a lawyer are called “*pro se* litigants.” These parties often face special challenges in federal court. The Public Service Law Corporation runs a free Federal *Pro Se* Clinic at the Riverside federal courthouse where *pro se* litigants can

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get information and guidance. The clinic is located in Room 125 of the George E. Brown Federal Building, 3470 12th Street, Riverside, California 92501 (note that the clinic is open for in-person appointments on a first come basis Tuesdays and Thursdays from 10:00 a.m. to 2:00 p.m. until further notice). For more information, pro se litigants may call (951) 682-7968 or they may visit the Pro Se Home Page at <http://prose.cacd.uscourts.gov/riverside>.

**ELECTRONIC DOCUMENT SUBMISSION SYSTEM (EDSS):** Pro se litigants may submit documents for filing through the Court's Electronic Document Submission System (EDSS) instead of mailing or bringing documents to the Clerk's Office. Only internet access and an e-mail address are required. Documents are submitted in PDF format through an online portal on the Court's website. To access EDSS and for additional information, visit the Court's website at <https://apps.cacd.uscourts.gov/edss>.

Attorneys may not use EDSS to submit documents on behalf of their clients. Attorneys are required by the local rules to file documents electronically using the Court's CM/ECF System.

**ELECTRONIC FILING:** Pro se litigants may apply to the Court for permission to electronically file. Form CV-005 is available at <http://www.cacd.uscourts.gov/court-procedures/forms>.

The Court's website home page is <http://www.cacd.uscourts.gov>.